

## **MEETING #28 August 11**

At a Regular Meeting of the Madison County Board of Supervisors on August 11, 2009 at 3:00 p.m. in the Madison County Administrative Center Auditorium:

PRESENT: Eddie Dean, Chairman  
James L. Arrington, Vice-Chairman  
William L. Crigler, Member  
V. R. Shackelford, III, County Attorney  
Lisa A. Robertson, County Administrator  
Jacqueline S. Frye, Secretary

ABSENT: Bob Miller, Member  
Clark Powers, Member

Chairman, Eddie Dean called the meeting to order and announced Mr. Powers (ill) and Mr. Miller (prior commitment) will be absent, although Mr. Miller should be present for the evening session; however, a quorum is present for today's session.

### **IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Donald Gore, Resident Engineer, was present and provided the following report: the second round of mowing has been completed – initial rounds of mowing of primary roadways was completed earlier than anticipated – mowing has been implemented along Route 29 ahead of schedule; there will be a difference in the current mowing schedule; project on Route 642 is progressing well and a little ahead of schedule; the bridge on Route 621 {Jacks Shop Road} should be having the deck replaced later in the year with advertisement being done in the winter of 2009 – instructions have been given to refrain from closing the roadway during school session or over the Fourth of July holiday as contractor cannot work the day prior or following a scheduled holiday – the road will be closed for about (3) weeks following Independence Day 2010; moved debris on Route 618 (dumped in the roadway or left from a previous storm); also performed repairs to two (2) bridges (deck timbers replaced) and work has been done on the footbridge on Route 670; cleared around signage to improve sight distance; two (2) speed studies are underway with one having been completed [45 mph zone at Wolftown]) and a request regarding the 55 mph speed zone east from Route 29 to

Route 230 to 45 mph– study is requesting the limit be reduced to 45 mph along that particular stretch of roadway.

In closing, Donald Gore provided a report of land development cases that have taken place in Madison County.

William L. Crigler asked when mowing will take place on the secondary roadways in Madison County, to which Donald Gore advised this will take place later in August or the first part of September; gravel roadways will be mowed at least 1x and hard surface areas will be mowed along the shoulder and ditch 1x (change from the previous moving routine).

## **IN RE: PAYROLL & CLAIMS**

### **Certificate of Claims (Capital Fund for July 2009):**

Chairman, Eddie Dean stated the Board will need to approve Certificate of Claims for the Capital Fund for July 2009, totaling \$11,750.53, which are for the Courthouse Project.

James L. Arrington questioned exactly what took place to incur the aforementioned expense, to which Lisa Robertson, County Administrator, stated the aforementioned amount was for rent for temporary storage of equipment and payment of interest on the short-term loan.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the aforementioned Certificate of Claims for the Capital Fund for July, 2009 (totaling \$11,750.53 for checks # #10131331 – 333; 490 – 491), are hereby approved, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Chairman, Eddie Dean stated the Board will need to approve Certificate of Claims for the Capital Fund – June 2009 Post Year, totaling \$562,950.59, which is the contractor's claim coming out of FY2009.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the aforementioned Certificate of Claims for the Capital Fund for June 2009 Post

Year (totaling \$562,950.59 for checks #10131412 – 414 and #10131492), are hereby approved, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Chairman, Eddie Dean stated the Board will need to approve the Certificate of Claims for the General Fund for July 2009, totaling \$666,763.12

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Certificate of Claims for the General Fund – July 2009, (Checks #10131334-344; #1384-1403; 1423-435; 1451-489; 1529-545 plus payroll electronic transfer #27), are hereby approved, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Chairman, Eddie Dean stated the Board will need to approve the Certificate of Claims for the General Fund for June 2009 Post Year, totaling \$3,201,728.02.

William L. Crigler commented on an entry listed on page 25 of the report which denotes a balance of \$34,040.09 which is for federal monies that have still not been received.

James L. Arrington questioned the available general fund balance, to which Lisa Robertson, County Administrator, advised the listed amount (\$5,397,319.02) is the available balance after the books were closed.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Certificate of Claims for the General Fund – June 2009 Post Year, (Checks #10131345-383; 1404-411; 1415-422; 1436-450 and 1493-528 plus electronic payroll transfer #26 totaling \$3,201,728.02), are hereby approved, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |

Clark Powers

Absent

**Supplements for August 2010:**

Chairman, Eddie Dean stated the supplements for August 2010 are presented as follows:

|   |                          |  |                    |
|---|--------------------------|--|--------------------|
| 1. Park & Recreation<br>Revenue Approp. | #71100-5690<br>10-161201 | Youth Programs Deposits                        | \$ 9,070.00        |
| 2. Park & Recreation<br>Revenue Approp. | #71100-5691<br>10-161201 | Health Fitness Deposits                        | \$ 508.48          |
| 3. Transfers<br>Revenue Approp.         | #96100-9823<br>10-499999 | Transfers - School<br>Accumulated Fund Balance | \$52,580.15        |
| <b>Total General Fund:</b>              |                          |  | <b>\$62,158.63</b> |

**County Administrator's Recommendations (other units)**

|                           |                            |  |                    |
|---------------------------|----------------------------|--|--------------------|
| 1. Revenue Appropriation  | #61000-9000<br>#23-410510  | Teaching American History Grant<br>Transfer Gen. Fund<br>(unused FY09) | \$ 1,000.00        |
| 2. Revenue Appropriation  | #61000-9000<br>#23-410510  | Prep Grant<br>Transfer Gen. Fund<br>(Unused FY09)                      | \$ 3,192.03        |
| 3. Revenue Appropriation  | #61000-9000<br>#23-410510  | VHSL Stipend for Ath. Dir.<br>Transfer Gen. Fund<br>(Unused FY09)      | \$ 1,950.00        |
| 4. Revenue Appropriation  | #61000-90000<br>#23-410510 | VRS Audit Reimbursement<br>Transfer Gen. Fund<br>(FY09 Move)           | \$46,438.12        |
| <b>Total Other Units:</b> |                            |  | <b>\$52,580.15</b> |

**Total Supplements August 2009: \$114,738.78**

James L. Arrington asked about the VRS reimbursement, to which Chairman, Eddie Dean stated a payment was made to the Virginia Retirement System which apparently was an overpayment – these funds are reimbursed once their audit process has been completed.

Lisa Robertson, County Administrator, stated the amount refunded covers overpayment spanning a two year period (2007/2008) and is a relatively large amount versus what the County had overpaid.

Chairman, Eddie Dean stated these funds are local monies that were

expended – it has generally been the policy of the Madison County Board of Supervisors that local expended funds which are carried over are returned to the General Fund.

Lisa Robertson, County Administrator, advised the Madison County School System has requested the total amount of the reimbursement be credited as a supplemental appropriation into the school fund; if it is the desire of the Madison County Board of Supervisors for these funds to be returned to the County's General Fund, clarification of this procedure will need to be clarified in the motion.

James L. Arrington strongly suggested the Board hold off on the separate request presented by the Madison County School regarding the aforementioned funds; therefore, he strongly suggested his motion be amended to only include the first two (2) items as previously stated and asked the Board to deal with the return of the requested supplement at a later date after it is determined what these funds will be utilized for (i.e. initial plan).

Chairman, Eddie Dean stated the first portion of supplemental requests includes the entire stipend request which includes the explained VRS reimbursement totaling \$46,438.12; therefore, if the approved amount will be different, the total will be decreased to \$15,720.15.

Lisa Robertson, County Administrator, stated the Board can motion to approve the August 2010 Supplements and exclude the amount of the initial VRS Reimbursement (i.e.  $\$62,158.63 - \$46,438.12 = \$15,720.51$ ).

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the original motion was amended for approval of an adjusted amount of \$15,720.51 for the supplemental appropriations for August FY2010, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

In closing, Chairman, Eddie Dean suggested the Madison County School System be asked to provide new information on today's request and the issue will be revisited at the September Regular Meeting.

Dr. Brenda Tanner, Superintendent, was present and stated the School System has plans to set the requested funds aside to be earmarked to offset any loss in state revenue.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board voted to table the requested refund of the VRS Reimbursement totaling \$46,438.12 until the September 2009 Regular Meeting, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Discussions were raised regarding the grand total of supplemental appropriations for August, to which Lisa Robertson, County Administrator, stated an explanation for the total, as this is a “double accounting entry” – the Board members have suggested that a revised listing of the supplements for August FY2010 be prepared in order to provide clarification of today’s approved request which reflects the tabled request (i.e. VRS reimbursement of \$46,438.12).

#### **IN RE: SCHOOL SYSTEM**

Dr. Brenda Tanner, Superintendent, was present and provided the following report: School will begin on August 19<sup>th</sup>; staff have officially returned to the campuses today – there are seven (7) new teachers for vacated positions; division meeting will be held on Thursday, August 13<sup>th</sup>, from 11:35 a.m. to 1:00 p.m. and lunch will be provided – Madison County Board of Supervisors members are invited to attend; open house will be held on Monday, August 17<sup>th</sup> from 1:00 p.m. until 8:00 p.m. - also provided a report on the summer school program: (270) students participated and (21) students from Madison County participated in off campus programs held in Culpeper; also provided an update on the H1-N1 flu – previous recommendations asked that school districts be closed for a period of time – a letter will be sent to all County parents/guardians to advise of caution – will also be meeting with representatives of the Madison County Health Department and other agencies to monitor this situation to determine any fluctuation in student/staff attendance which might be linked to this epidemic.

Dr. Tanner stated the school system is finishing up the final phases of the

back of the envelope audit – there has been many individuals on site to view the schools and County facilities – will provide a listing of detailed findings to Lisa Robertson, County Administrator, and will also be looking to schedule a joint meeting with the Madison County School Board and the Madison County Board of Supervisors sometime in September to review the findings. She also thanked the community for their support – much work has been done on the County roadways in preparation for the beginning of the school year.

### **IN RE: COUNTY FACILITIES**

Ross Shifflett, Director of Facilities, was present and provided a written report; also provided the following for waste management services for the month:

\$43,524.37 (total bill)

\$13,508.77 (manning & equipment rental)

\$ 1,833.07 (fuel surcharge)

\$28,182.53 (tonnage fee)

Ross Shifflett also stated the sprinkler system at the War Memorial Building appears to not have been checked for quite some time – had a serviceman come check the system and schedule follow-up testing.

William L. Crigler asked if this service was required, to which Ross Shifflett, advised this procedure is enforced by the building code.

Erik Weaver, Sheriff, also asked if the Sheriff's Office can be added to the testing schedule.

Ross Shifflett also stated the infields have been marked @ Hoover Ridge – all is in place for the fall sports season (i.e. youth football, soccer, etc.).

Chairman, Eddie Dean asked if input could be provided as to how the backstops @ Hoover Ridge are being financed, to which Ross Shifflett advised the backstops are being funded through sign and memorial programs that have been established by volunteers – no County money was utilized for the purchase of these items.

James L. Arrington commented on the overtime rate at the Madison County Animal Shelter and whether the amount denoted is unusually high, to which Ross Shifflett stated the total amount of overtime averages about the same each month (30 to

50) hours and is overtime for the Animal Control Officers only (excluding the Shelter employees) – this concurs with the guidelines approved by the Madison County Board of Supervisors at a previous meeting.

William L. Crigler asked about lighting for the flagpoles, to which Ross Shifflett provided insight into the cost of solar lighting kit (\$150.00).

Lisa Robertson, County Administrator, advised that most County offices take the flag(s) down at the end of each business day; however, whatever the Board decides will be what is put into place.

#### **IN RE: CHAMBER OF COMMERCE**

Tracey Williams Gardner, Tourism Coordinator, was present and provided the following highlights: Farmer's Market sponsored the August 1<sup>st</sup> mixer; next mixer date will be scheduled in September or October (location to be announced); there was no Greater Main Street Meeting for the months of July or August; new members joining the Chamber were Skyline CAP and TC2 Design, Inc.; Visitors Center had (73) visitors in July; website is being updated [7680 hits in June-July]); the 2009 parade had the largest attendance rate thus far; met with Regional Tourism Committee; have also been involved with the new Amtrak service that will stop in Culpeper; planning continues for the upcoming Taste of the Mountains Festival – applications being received daily and there are still a few spots open; also provided a listing of upcoming events to take place in Madison County (i.e. music on the lawn, dinner @ Madison Inn, splash zone event).

William L. Crigler asked if Madison County Rescue Squad personnel will be alerted to be on stand-by for the splash zone event.

#### **IN RE: E911 CENTER**

Robert Finks, E911 Coordinator, was present and provided a written report for his department's activities for July 2009 (331 calls from home telephones; 242 from cellular phones) – calls were actually down just a bit from previous months; advised that two (2) cameras were out of service at the E911 office (sally port & in the holding cell) – also had one (1) lightning strike at the rescue squad building that wiped out the microwave, telephone service and transmitter on the tower – all had to be replaced and no bill has been received to date (normally, lightning strikes aren't covered under the existing contract).



Chairman, Eddie Dean asked when the towers were certified last, to which Robert Finks, stated the certification is still valid – retention was implemented within the past two (2) years (recommended every four years) so the County is in compliance at the current time.

William L. Crigler asked if there were any problems noted with the roadway signs, to which Robert Finks stated all is going well thus far – the last sign to be replaced was “Washington Street” as the result of a large truck knocking down the sign while making a turn onto the Main Street; also stated he hasn’t heard anything to date regarding the grant application that was submitted.

#### **IN RE: EMERGENCY PREPAREDNESS**

Carl Pumphrey, Emergency Services Coordinator, was present and provided a written report for July 2009 to denote the following: the Tier II Report for Madison County has been completed; will compile a ready reference to assist Madison County emergency personnel; will also meet with EMS personnel in Charlottesville shortly; also stated there was one (1) hazmat incident in Madison County during the month (following a storm) with no major environmental impact resulting.

#### **IN RE: EMS CAREER**

Lewis Jenkins, Director, was present and provided the following report for July 2009:

Total calls toned: 100

Total calls handled: 95

Total calls, no response: (5) Greene calls for mutual aid assistance were not answered)]

Avg. in-County response time to the scene: 10 minutes

Night coverage: (11) hours of night coverage on (18) nights

Total calls handled: 19

Lewis Jenkins also stated there will be a series of three (3) flu shots to be taken in the fall to combat the condition; also stated that Eleanor Kirk (from Charlottesville, VA) has been hired and will start on September 1<sup>st</sup> – she is filling the open full-time position – the EMS department is now operating with (13) staff members and all positions are filled; total nights covered were a little high this month.

James L. Arrington asked if new EMS personnel could be brought to the meetings periodically so the Board can become familiarized with them (if possible), to which Lewis Jenkins stated he will work on accomplishing this.

**IN RE: LAW ENFORCEMENT & COURT SECURITY**

Erik Weaver, Sheriff, provided the following report for July 2009:

1. Calls for service: 1,051
2. Criminal arrests: 66
3. Civil process: 305
4. Days of Court: 15
5. Crimes Reported (to Sheriff's Office): 71
6. Traffic related summons: 212
7. Court security fees (paid) to Treasurer: \$4,147.84
8. Local fines paid to Treasurer: \$11,562.40

Erik Weaver, Sheriff, also provided a monthly report that denoted part-time hours for highway safety and court security; also thanked Ross Shifflett for the repairs made to the restrooms in the Circuit Court building.

William L. Crigler asked about the vehicle bids, to which Erik Weaver, Sheriff stated that Eddins Ford, Inc. has been given the opportunity to place a bid on the vehicles, although nothing has been received from his office to date; also advised that he has decided to look into attaining bids from Chrysler/Dodge, Inc. for police vehicles; it is anticipated that within the next thirty (30) days, the Sheriff's Department will move forward with a bid from Chrysler/Dodge, Inc.

James L. Arrington asked if a time frame was given to Eddins Ford, Inc., to which Erik Weaver stated a time frame of approximately two (2) weeks was provided to the dealership and the deadline is today.

James L. Arrington also asked if the existing delay is causing any problems with operations in the Sheriff's Department, to which Erik Weaver stated there

are problems when one vehicle is out of service and it costs \$2,000 - \$3,000 for repairs, as there are several vehicles operating with very high mileage.

#### **IN RE: ZONING FEES & BUILDING PERMITS**

Chairman, Eddie Dean stated a copy of the monthly reports are provided for the Zoning Department.

Lisa Robertson, County Administrator, stated the zoning fees for July 2009 were reasonably steady; most fees collected were for subdivision plats.

Lisa Robertson, County Administrator, stated the building fees appear to be down somewhat compared to figures from July 2008 and permits are down significantly from the previous year; although things are slow right now, they are holding steady despite the economic trend based on the calendar year thus far.

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment.

Curt Gausman (Etlan, VA), owner of Rappahannock Charter, was present and expressed concerns over the General Assembly's decision (effective July 1, 2009) to allow localities to establish a separate tax rate for charter buses in the State of Virginia; he stated this entire effort came about as a result of lobbying efforts on the part of the Virginia Motor Coach Association; however, he feels that up to this point, many localities were a little unclear as to where these types of vehicles should be classified until now and different rates were being charged throughout the State of Virginia; he advised that he met with Gale Harris, Commissioner of the Revenue, to investigate how these changes would affect his business and he was advised that until the Madison County Board of Supervisors acts on the new category and establishes a new tax rate, her office will have no choice but to raise his personal property taxes on the equipment to the full tangible rate of \$2.95 per \$100 assessed, which will double the current amount of taxes that he has been paying. He stated he has been in business for (13) years [(9) years in Madison County]) and has been paying taxes at the machinery/tools rate for all these years; however, by doubling his tax payments, this will hurt his business significantly, as his summer revenues are already down by 42% from this time last year as a result of the current recession; if his taxes are doubled, this could well be the fate of his company unless the Board establishes a rate. He also asked the Board to look at the long-term

projections of his business and stated that several localities have already acted on this change and have established a new rate of \$1.00 per \$100 assessed (Fauquier) which is well below the current machinery/tools tax rate for other localities. Currently, he has a very difficult time competing with a company within close proximity of his own and in order to compete, he will need to update his equipment; however, the quote for making such adjustments will cost about \$475,000.00 - if he is taxed based on this amount, he would have to pay over \$14,000.00 annually for personal property taxes on his equipment. In closing, he stated that he was advised by Gale Harris, Commissioner of the Revenue, that taxing the equipment at the machinery/tools rate was the best option in the past; however, current changes will cause a severe hardship for him; the Madison County Board of Supervisors has a relatively short amount of time to act on this guideline and he is asking the Board to act swiftly as he is unsure if he will be able to pay the proposed increase in taxes.

Chairman, Eddie Dean thanked Mr. Gausman for attending today's session and thanked him for his comments; he assured Mr. Gausman the Madison County Board of Supervisors is well aware of the imposed deadline and the Board will be discussing this issue and act accordingly.

Curt Gausman stated he transports passengers and property; however, now that a separate classification is being enforced, the Commissioner of the Revenue's Office will have no choice but to tax the equipment at the personal property rate until the Madison County Board of Supervisors takes some action.

Lisa Robertson, County Administrator, stated the past tax code allowed motor coaches to be taxed at the machinery/tools rate rather than as personal property which allowed localities to choose which rate to apply; however, now that legislature has made changes, the Madison County Board of Supervisors will have to decide which rate to apply to this type of equipment.

James L. Arrington asked what the rate is for a tractor trailer, to which Chairman, Eddie Dean stated this type of equipment is taxed at the machinery/tools rate of \$1.47 per \$100 assessed.

V. R. Shackelford, III, County Attorney, commented on the existing categories that relate to gross vehicle weight and whether passengers and/or cargo are transported.

Curt Gausman stated there was a bit of confusion regarding the language pertaining to motor coaches; therefore, the Virginia Motor Coach Association wanted to have specific guidelines so as to define a specific area in which to categorize this type of equipment.

V. R. Shackelford, III, County Attorney, asked what is the primary type of cargo the motor coach transports, to which Curt Gausman advised it is a combination of both (passengers & property).

James L. Arrington asked whether a Public Hearing will need to be scheduled to denote the Board's action on establishing a tax rate by Ordinance, to which V. R. Shackelford, III, County Attorney, advised will be needed and be effective from January 1, 2009.

Chairman, Eddie Dean verbalized concerns as to the tax rate that was initiated at the beginning of 2009 – since Mr. Gausman's motor coach was taxed at that time, it should continue to be applied throughout the year.

V. R. Shackelford, III, County Attorney, advised the County's tax rate is established in June of each year but the effective date will be January 1<sup>st</sup> of 2009; he also stated the existing law changed after the Board established the current tax rate; however, the Board has the authority to adopt a lower rate which cannot exceed the existing personal property rate.

James L. Arrington asked if the County could change the existing definition of a motor coach, to which V. R. Shackelford, III, County Attorney, indicated this equipment's description is established by the State of Virginia and the equipment is definitely classified as personal property.

V. R. Shackelford, III, County Attorney, stated the Board does have the authority to adopt the rate as established for machinery & tools or the established rate for personal property, and the rate can, in fact, be established a bit lower than what is currently set for machinery & tools but the new rate cannot exceed rates that are already in place.

There was further discussion as to the legalities of advertising notice of a Public Hearing; V. R. Shackelford, III, County Attorney, also stated the session could be scheduled to follow the Board Workshop Session – the ad must be published for two (2) consecutive weeks prior to the meeting.

Discussions also focused on the deadline for the Commissioner of the Revenue's Office to have all personal property information to the Treasurer's Office – it is believed the deadline is September 1<sup>st</sup> of each consecutive year which might require the County to amend the time frame for December tax payments.

In closing, Chairman, Eddie Dean assured Mr. Gausman the County will investigate this issue and see what can be done.

V. R. Shackelford, III, County Attorney, asked for direction from the Board whether or not to prepare to move forward – the ad will need to be constructed and published prior to his departure for vacation.

Lisa Robertson, County Administrator, suggested the County check with the Commissioner of the Revenue regarding the property book so the Board can move forward within the appropriate time frame

With no further comments, Chairman, Eddie Dean closed the Public Comment session.

## **COMMITTEE REPORTS:**

### **Courthouse Project:**

Chairman, Eddie Dean stated he went by the Courthouse and progress is moving along very well despite the previous heavy rains; there was a bit of difficulty with the generator, as the crane operator advised the power lines did not have to be shut down, when in fact, the power did need to be shut off; therefore, on Monday, August 17, 2009, power will be shut off in order for the generator to be set – power will be shut off from 7:30 a.m. until about 10:00 a.m. which will effect the Commonwealth's Attorney Office and the Investigators – these offices will be asked to delay the start of their workday so the generator can be put into place.

After a meeting with the Commissioner of the Revenue, V. R. Shackelford, III, County Attorney, advised the property book must be updated by September 1, 2009 and exoneration can be implemented.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board approved to have V. R. Shackelford, III, County Attorney, move forward with publishing an advertisement for a Public Hearing to be scheduled on Tuesday, September 8<sup>th</sup> 2009 in order for the Board to move forward with the election of a tax rate for Machinery & Tools for the motor coach as defined in Section 39 of the Code of Virginia, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

#### **IN RE: MINUTES**

Chairman, Eddie Dean advised that Minutes #25 and #26 will need to be approved.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, Minutes #25 and #26 are approved as amended and spread in Minute Book #16, page 829, through page 855, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

#### **OLD BUSINESS/NEW BUSINESS**

##### **Resolution Social Services Building (Improvements):**

Lisa Robertson, County Administrator, stated there is a Resolution that will need approval by the Board to authorize the acceptance of 100% grant opportunity for all non-profit, volunteer and governmental licensed EMS Agencies; she stated a while back, Lewis Jenkins, EMS Coordinator, and Dave Mickelberry, Captain of the Madison County Volunteer Rescue Squad, contacted the County regarding a grant opportunity from the State of Virginia that would fund the purchase of one (1) tough-book computer for each ambulance. Additionally, the State is interested in making it possible for localities to purchase these computers to provide emergency personnel with the means to submit data to the State from the patient's care report by utilizing a particular system and software; a joint grant application was submitted and has been approved for the receipt of

100% grant funding for the purchase of four (4) tough-book computers ([1] for each ambulance vehicle); however, in order to receive the grant funding, the Board will need to pass the Resolution authorizing the County Administrator to execute for and on behalf of the Madison County Board of Supervisors in order to proceed with the purchase.

Lisa Robertson, County Administrator, advised this particular program requires the County to make the initial purchase and receive reimbursement.

In closing, she stated that Lewis Jenkins, EMS Coordinator, is present and can answer any questions pertaining to the software that will be utilized; she feels this is a very good opportunity and is the first step toward having the volunteers and career staff using similar computer systems to transmit data.

James L. Arrington asked if fees associated with mounting the equipment will be included along with training costs, to which Lewis Jenkins, EMS Coordinator, stated fees for mounting the computers is not included in the grant funding and the decision to mount these computers inside the ambulances must be made by the Madison County Volunteer Rescue Squad; however, training will be needed for the volunteers and will be done at no cost.

Lewis Jenkins, EMS Coordinator, also advised the volunteers and paid EMS staff will not be utilizing the same type of software – the tough-book computer system utilizes an internet based program and the Virginia Office of Emergency Medical Services is covering the fees associated with the internet program at the present time; however, the current program being utilized by County EMS career staff will not be changed at the present time.

Chairman, Eddie Dean, asked if the software will be evaluated and if there was an annual subscription fee.

William L. Crigler advised the volunteers have had no training on how to use laptops; they are very independent in their efforts (handwritten documentation).

Lisa Robertson, County Administrator, stated the laptops will allow emergency medical personnel to track data much easier than having to utilize paper; the software the State is offering is comparable to what the County is already using – the conversion can be made very easily.



V. R. Shackelford, III, County Attorney asked if the existing contract was tied in with the Hewlett Packard contract through the State of Virginia, to which Lewis Jenkins, EMS Coordinator, advised the manufacturer is Panasonic; also stated the electronic signatory upgrade will allow emergency medical personnel to capture a patient's signature (a definitely asset when there is a patient refusal) – the cost for this upgrade will cost about \$1,000.00.

**RESOLUTION**  
**AUTHORIZING THE ACCEPTANCE OF 100% GRANT OPPORTUNITY FOR**  
**ALL NON-PROFIT, VOLUNTEER AND GOVERNMENTAL LICENSED**  
**EMERGENCY MEDICAL SERVICES (EMS) AGENCIES**

**BE IT RESOLVED** by the Board of Supervisors of Madison County, Virginia, **THAT** Lisa Robertson, County Administrator, is hereby authorized to execute for and on behalf of the Madison County Board of Supervisors, a public entity established under the laws of the Commonwealth of Virginia, any actions necessary for the purpose of obtaining 100% of grant funding assistance provided by the Virginia Office of Emergency Medical Services (OEMS) through the Virginia Department of Health, for the purchase of tough-book computers at no-cost for permitted EMS patient transport vehicles for use in completing the newly upgraded EMS Registry (EMSR) data for Pre-Hospital Patient Care Reports (PPCR).

Approved this 11th day of August, 2009, on motion of James L. Arrington, seconded by William L. Crigler.

\_\_\_\_\_  
 Eddie Dean, Chairman  
 Madison County Board of Supervisors

|                    | Aye          | Nay   | Absent       | Abstain |
|--------------------|--------------|-------|--------------|---------|
| Eddie Dean         | <u>  x  </u> | _____ | _____        | _____   |
| James L. Arrington | <u>  x  </u> | _____ | _____        | _____   |
| William L. Crigler | <u>  x  </u> | _____ | _____        | _____   |
| Bob Miller         | _____        | _____ | <u>  x  </u> | _____   |
| Clark Powers       | _____        | _____ | <u>  x  </u> | _____   |

**Attest**

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Lisa Robertson,  
Madison County Administrator

**Presentation of Written Agreements (between Constitutional Offices & Madison County Board of Supervisors:**

Lisa Robertson, County Administrator, stated upon the recent changes to the County's Personnel Regulations, it was necessary to attempt to determine what portion of the benefit's plan that each Constitutional Officer would desire to participate in; she met with each of the Constitutional Officers and discussed which components they did or did not wish to participate in – written samples were obtained from the Constitutional Board (as urged by several localities) in order to ensure the items selected by the Constitutional Officers are clearly defined so the Madison County Board of Supervisors have a full understanding of what specific benefits are being funded.

Lisa Robertson, County Administrator, provided the Board members with signed agreements from the Clerk of the Circuit Court, Treasurer and Commissioner of the Revenue, which make it relatively clear that these offices desire to participate in the pay plan and to be included on the County's pay scale, and each office would also like to have their office personnel included within the County's leave/benefits plan. As a result, a determination was made regarding each employee's (in these particular offices) accumulated leave time as of June 30, 2009, and a confirmation of their leave accrual rate which begins on July 1, 2009, as these employees would earn leave time at the same rate as established in the County's Personnel Policy.

Additionally, she stated the Constitutional Offices (due to the nature of the restrictions in their supervisory authority over their respective office personnel) opted out of the grievance procedure offered by the County, which is relatively normal. Also, an agreement has been attained with the Commonwealth Attorney's Office; however, he has recently been involved in an accident on his farm and no signed agreement has been provided as of date.

Lisa Robertson, County Administrator, presented three (3) signed agreements for consideration/approval by the Madison County Board of Supervisors -

an agreement from the Commonwealth Attorney's Office will come at a later date – also, no response has been received from the Sheriff's Office thus far.

Furthermore, she stated the Compensation Board strongly approved the aforementioned procedure and what has been signed and presented today is prescribed according to statutes as implemented by the State of Virginia.

Chairman, Eddie Dean asked if this process will need to be repeated each time there is an election within the Constitutional Offices, to which Lisa Robertson, County Administrator, advised the Compensation Board recommends the Board process this type of agreement each time there is a new election (every four years) although a Constitutional Officer could choose to opt out at any time and incorporate the statutory leave policy that State Law provides which includes any changes in the County's pay plan and/or leave policy.

Chairman, Eddie Dean asked if it would be the County's responsibility to provide funding in the event the Compensation Board's policy becomes more restrictive than the County's (or more generous), or if there is a change in the County's pay scale.

Lisa Robertson, County Administrator, stated the statutory provisions developed regarding leave indicate that a Constitutional Office has to offer two (2) weeks of vacation time and one (1) week of sick leave per year to each employee (mandatory) which is what each locality is responsible to fund. However, in the event a Constitutional Office wishes to allow the accumulation of vacation time, this has to be specifically approved by the Board of Supervisors because this is a benefit that can be refunded – must be understood that accumulated leave will be funded in the event the individual separates from employment. Also, she stated the Compensation Board and the Auditor of Public Accounts recommends that written agreements be in place in order to denote payment for accumulated leave time in the event an employee separates from employment, this is a liability that must be reported in the localities financial statement each year and accounted for in the annual audit.

In closing, Lisa Robertson, County Administrator, advised it is best to tidy up that component in a better manner than what has been done in the past years.

William L. Crigler had concerns about different values for accumulated leave.

James L. Arrington asked if there would any effective changes to take place now that the Constitutional Offices have initiated agreements.

Lisa Robertson, County Administrator, stated that by initiating these policies, the participating Constitutional Offices have agreed to copy what the County offers to County employees (i.e. benefits, pay scale) – otherwise, nothing is changing financially for the County or the employees in each respective office.

Chairman, Eddie Dean stated some of the Constitutional Offices have employees who have longevity in their positions and some are fairly new; therefore, accumulated time varies.

James L. Arrington asked in the event the Compensation Board adjusts salaries for Constitutional Officers, will the County be obligated to follow the recommendations.

Lisa Robertson, County Administrator, advised that any changes in this category will be dealt with under the pay scale plan; however, the general rule is that employees cannot be paid a salary that is less than what the Compensation Board offers for Constitutional Employees; in the meantime (as based on today's agreement) all participating Constitutional employees will be treated the very same as all County employees. Additionally, the Treasurer and Commissioner of the Revenue employees are partially funded by the Compensation Board and the Clerk's Office employees are fully funded by the Compensation Board.

Lisa Robertson, County Administrator, stated today's agreement confirms the participating Constitutional Offices, as established by County guidelines, and also guarantees their desire to ensure their personnel will be awarded the same leave benefits as other County employees.

Lisa Robertson, County Administrator, also stated the County has different pay rates, depending on the employee's years of service, which is a benefit to those in Constitutional Offices (i.e. accumulation of additional time) – these offices were operating with a greater accumulation of time based on individual years of service, but the Compensation Board suggests that in order for all entities to be uniform and understand the arrangements, a clarified, written agreement should be composed so that each entity understands exactly what is being offered and put into place.

Chairman, Eddie Dean also stated the County doesn't offer sick leave in its leave policy, but rather annual leave that is accumulated.

Lisa Robertson, County Administrator, stated the County aggregates sick leave and annual leave into one leave balance, whereas the State currently separates these types of leave (Compensation Board offers [2] weeks of vacation and [1] week of sick leave annually).

James L. Arrington questioned if there was ever a prior agreement and whether these offices will participate in the County's evaluation plan, to which Lisa Robertson, County Administrator, stated that all three (3) Constitutional Offices had already verbally agreed many years ago to participate in the County's pay scale plan; she also stated that each office has their own State evaluation process (provided forms from the State Treasurer's or State Commissioner's Office), thus, they will not participate in the County's evaluation policy.

Chairman, Eddie Dean stated there are some Constitutional Officers who are only funded by the Compensation Board by about 75% and the County covers the remaining amount (i.e. salary).

Lisa Robertson, County Administrator, advised that she will set up another meeting with the Madison County Sheriff's Department to see which course of action they desire to take; if the Sheriff does not wish to participate, a Workshop Session will need to be scheduled with the Madison County Sheriff's Department and the Madison County Board of Supervisors so the County can be abreast of the leave policy the Sheriff's Department plans to initiate along with details as to how the policy will be funded for his respective department.

V. R. Shackelford, III, County Attorney, asked about the total amount of accumulated leave each County employee can earn, to which Lisa Robertson, County Administrator, advised was limit is 640 hours.

Lisa Robertson, County Administrator, stated no Constitutional employees were allowed to bring in hours that exceeded the limit denoted in the County's policy, which none of the participating offices had accumulated; some employees in certain Constitutional Offices are 100% funded by the Compensation Board and some are only partially funded with the County covering the difference; the primary objective of the

agreement being discussed today is to confirm the participating offices want to keep the arrangements that places the salaries of their office personnel on the County's pay scale and to receive the same leave benefits as other County employees.

William L. Crigler asked for clarification on the different values for accumulated leave for Constitutional Offices and the County, and also verbalized concerns that benefits would be relinquished on behalf of the Compensation Board.

Lisa Robertson, County Administrator, stated the participating Constitutional Offices were actually adhering to the minimum guidelines provided by the Compensation Board and are also implementing leave accrual accumulations that exceeded what the State's minimum requirement is; the County had never put anything in place to denote exactly what was being offered; she also stated the Compensation Board doesn't provide the necessary funding for the leave benefit – the funding that is received from that entity is around \$2,000.00 and as long as the Madison County Board of Supervisors is approving whatever the leave policies are (for funding) as provided by the Compensation Board, this entity doesn't care whether it exceeds the minimum, but only that Constitutional Office personnel are receiving the appropriate amount of leave.

Lisa Robertson, County Administrator, stated the three (3) participating Constitutional Offices will be receiving leave as entitled (to include the Commonwealth Attorney's Office) and feels it would be appropriate to have these agreements in order and on file if/when the Madison County Board of Supervisors feels comfortable with moving forward on this issue.

Chairman, Eddie Dean stated the County has been fortunate to have employees in the Constitutional Offices who are cooperative and work very well – if no agreement is in place, an individual (newly elected official) could come in and implement a policy that doesn't coincide with the County's guidelines and the County would be forced to fund the program. Additionally, Chairman, Eddie Dean feels if the County is funding a policy/guidelines, the Board should have an active say in the funding of such, as is designated by today's agreement that is being presented. In closing, it was noted the Board did not have to move for immediate action today.

Lisa Robertson, County Administrator, reiterated the fact that all three (3) Constitutional Offices have been operating under the guidelines that coincide with the County – these agreements officially put all offices under one written policy.

James L. Arrington commented on the “generosity” of the County’s policy as opposed to the Compensation Board’s policy, to which Lisa Robertson, County Administrator, clarified this is true in some areas with the exception to the manner in which time is accumulated per calendar year.

Chairman, Eddie Dean stated there are some Constitutional Offices that have indicated it is very difficult to hire personnel at the rate of salary offered by the Compensation Board for some positions in certain departments (Sheriff’s Office [Dispatchers]).

James L. Arrington commented on the fact that normally, the County follows the holiday schedule as implemented by the State and whether tonight’s agreement will have an impact on that issue.

Lisa Robertson, County Administrator, advised the Treasurer’s Office and the Commissioner of the Revenue’s Office will follow the County’s holiday schedule; however, the Clerk of the Court is mandated to follow the Judge’s schedule in the event the Virginia District Court mandates that court has to be in session on a specific day that other County offices may be closed – on those days, the Judge’s order – or the Supreme Court’s order overrules whatever the County’s leave schedule is. Otherwise, the agreement being discussed denotes that all three (3) participating Constitutional Offices will be governed by the same attendance schedule as the County offices.

With no further discussion, Chairman, Eddie Dean moved onto Public Comment.

#### **IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.

Chairman, Eddie Dean indicated the Board will need to go into Closed Session following a five (5) minute break.

Chairman, Eddie Dean reconvened the meeting, and the Board moved into Closed Session.

**IN RE: CLOSED SESSION**

On motion of William L. Crigler, seconded by James L. Arrington, the Board voted to go into Closed Session pursuant to Section 2.2-3711 (A) (29), Discussion of the award of public contract involving the expenditure of public funds, including interviews of bidders or offers, and discussion of the terms or scope of such contract, where discussion in an open session would adversely effect the bargaining position or negotiating strategy of the public body (i.e. EMS billing services), with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

On motion of William L. Crigler, seconded by James L. Arrington, the Board voted to go back into open session with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

On motion of William L. Crigler, seconded by James L. Arrington, the Board took roll call to certify that nothing was discussed which was not authorized by the Code of Virginia and that the following Resolution is adopted with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

MOTION: William L. Crigler

RESOLUTION NO: 2009-5

SECOND: James L. Arrington

MEETING DATE: August 11, 2009

**CERTIFICATION OF EXECUTIVE MEETING**

WHEREAS, the Madison County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and



WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Madison County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Madison County Board of Supervisors.

VOTE

AYES: Eddie Dean, James L. Arrington, William L. Crigler

ABSTAIN: None

NAYS: None

(For each nay vote, the substance of the departure from the requirements of the act should be described)

ABSENT DURING VOTE: Bob Miller, Clark Powers

ABSENT DURING MEETING: Bob Miller, Clark Powers

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Clerk/Secretary of the Madison County Board of Supervisors

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

After leaving closed session, the Board verbalized concerns regarding the following:

- 1) How members of the Madison County Volunteer Rescue Squad perceive the prospect of billing for ambulatory services;
- 2) Although it is believed that some members of volunteer services understand the billing issue will need to be explored, several are very much against this process and are satisfied with the contributions the entity receives in order to operate;
- 3) Although an agreement was made between the Madison County Board of Supervisors and the Madison County Volunteer Rescue Squad, the County is looking at

- 4) Concerns were verbalized regarding problems encountered in other localities regarding billing issues (i.e. collections procedures) between volunteer services and career emergency staff.
- 5) Concerns were also verbalized whether fees will be implemented for emergency services performed by career staff and volunteer staff, should the County decide to move forward with this process.
- 6) The County cannot force the Madison County Volunteer Rescue Squad to bill for emergency services (separate entity); although the existing agreement denotes the County wants to bill for services, the Madison County Volunteer rescue squad only agreed to ensure the ambulances will be equipped with all compliance standards in order to bill.
- 7) The County utilizes ambulances that are owned by the Madison County Volunteer Rescue Squad, as agreed, to provide emergency services, and the written agreement contemplates that the County would be billing for services; however, the Volunteer Rescue Squad is compensated (i.e. rent) for equipment.
- 8) Concerns were verbalized that if the Madison County Volunteer Rescue Squad should “fold” their end of the agreement and forfeit the County’s right to utilize the ambulances, the County will be forced to purchase its own ambulances in order to bill for emergency services.

James L. Arrington asked if the Madison County Board of Supervisors can meet with members of the Madison County Volunteer Rescue and encourage them to join the County in the billing effort; however, William L. Crigler advised this has already been implemented and there were no volunteers present at the meeting.

Lisa Robertson, County Administrator, stated that entering into a contract appears to be the only way to move the billing venture to the next level; then the County can proceed with establishing the billing process.

Lisa Robertson, County Administrator, stated the volunteer rescue squad in another locality began participating in the billing venture when they discovered the revenue that could be generated; she feels the Madison County Volunteer Rescue Squad will have to come around on their own – the County has provided many forms of information to explain the concept.

In closing, Lisa Robertson, County Administrator, stated if the County would

like to get the billing program up and running by July of 2010, the Board will need to begin moving forward now.

Chairman, Eddie Dean stated there doesn't appear to be much of an advantage in the County moving forward with writing an RFP at this point; he also stated it will be traumatic if the County attempted to perform this process in-house, but feels this can be investigated after all initial procedures have been put into place and acted on behalf of future Madison County Board of Supervisors members.

In closing, Chairman, Eddie Dean feels the County will need to consider hiring some consultants to get this process off the ground and also suggested the County can make future decisions at a later date.

James L. Arrington verbalized concerns as to whether there has been any mention of a time frame from Diversified Ambulance Billing, LLC for the billing agreement, to which Lisa Robertson, County Administrator, advised the information that has been provided denotes an annual contracting running through June 30<sup>th</sup> of each consecutive year – the company also requests one full year to initiate the billing process was sent to a respective company runs annually through June 30<sup>th</sup> of each consecutive year (requests a full year to get the process started).

Lisa Robertson, County Administrator, stated if the Madison County Board of Supervisors decides to take action, it should be contingent upon V. R. Shackelford, III, County Attorney, reviewing and approving the contract concept as provided from the billing firm.

Lisa Robertson, County Administrator, stated while the County awaits a provider number from Medicare, Diversified Ambulance Billing, LLC will help the County secure the certification and work out a billing policy that will be suitable for Madison County; the County wants to make preparations so the citizens will know the decision has been made to move forward with the billing process and then discuss policies that will be effect in correlation to the process.

Chairman, Eddie Dean stated if the County doesn't have a billing policy established by June 30, 2011, tonight's contract will basically be null and void; therefore, if the County really gets into this and things don't go as planned, the County will have no reason to adopt a policy and the agreement will need to be re-negotiated.

Lisa Robertson, County Administrator, mentioned there will be a “compassionate billing” policy and a basic collection policy which will denote how many collection letters will be forwarded to attain collection of fees.

Lisa Robertson, County Administrator, also suggested the Board decide how the County would like to initiate the process, in that she and Lewis Jenkins, EMS Coordinator, can begin working on the process and/or whether the Board would like to communicate this issue to the public at a Workshop Session.

As a result of closed session, the Board proceeded with action as follows:

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Board voted to approve Madison County to enter into an agreement with Diversified Ambulance Services, LLC, contingent upon V. R. Shackelford, III, County Attorney, reviewing and concurring with the agreement as presented (i.e. legalities), with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Chairman, Eddie Dean recessed the meeting until 7:30 p.m.

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**7:30 P.M.: Meeting reconvened with Chairman, Eddie Dean calling the meeting to order and noted that a Quorum was present with the same three members present.**

**IN RE: PUBLIC COMMENT**

Chairman, Eddie Dean opened the floor for public comment and there was none.

**IN RE: PUBLIC HEARING (Discussion/Action on Ordinance #2009-7 [Ordinance to Amend & Re-Enact An Ordinance to Impose a Fee for Courthouse Maintenance & Construction As Part of the Costs of Civil, Criminal & Traffic Cases])**

Chairman, Eddie Dean stated the Board will need to discuss and act on Ordinance #2009-7 to Amend & Re-enact an Ordinance to Impose a Fee for Courthouse Maintenance & Construction as Part of the Costs of Civil, Criminal & Traffic Cases.

Chairman, Eddie Dean stated there is a copy of the proposed Ordinance in tonight's binders and this topic was also discussed during the Board Workshop Session in June; numbers have been forwarded from Teresa Miller, Finance Director, and it appears the County is taking in about \$8,000.00 annually in court fees – if this Ordinance is enacted, the County would be adding an additional \$12,000.00 in funding for court fees which will total about \$20,000.00 collected annually, should the annual number of court cases remain the same as now.

William L. Crigler asked what the average fee is for court cases, to which V. R. Shackelford, III, County Attorney, stated on criminal cases, the court fee is about \$46.00 (basic court filing fee) and average court costs for a traffic ticket averages about \$80.00 (also includes court security fee).

Chairman, Eddie Dean stated that a \$3.00 increase will not be much of a change in the overall court fees; however, V. R. Shackelford, III, County Attorney, stated the current \$2.00 fee is for courthouse maintenance, and the additional \$3.00 fee will not be implemented until the County receives certification but this fee will go toward courthouse construction/renovation, etc., and will be based on the fees associated with the existing project.

Lisa Robertson, County Administrator, commented on the basis for implementing this fee and advised that she will try to get authorization for the County to be able to contribute these monies toward the existing project.

Chairman, Eddie Dean then opened the floor for comments pertaining to tonight's Public Hearing on the proposed Ordinance.

Jerry Butler was present and asked if the Courthouse (as based on the Ordinance) will still have to meet the requirements before the proposed fee can be collected, and even after construction, will the facility still meet the imposed requirements mandated by the Virginia Code system.

Lisa Robertson, County Administrator, advised the County will seek to gain authorization to contribute the additional fees toward the costs of renovations to the structure; she also stated that an application must be certified by the State and it is anticipated that approval will be granted for the existing Courthouse, as well as the Courtroom located in the War Memorial Building.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the Board voted to adopt Ordinance #2009-7 to Amend & Re-enact an Ordinance to Impose a Fee for Courthouse Maintenance & Construction as Part of the Costs of Civil, Criminal & Traffic Cases, with the following vote recorded:

|                    |        |
|--------------------|--------|
| Eddie Dean         | Aye    |
| James L. Arrington | Aye    |
| William L. Crigler | Aye    |
| Bob Miller         | Absent |
| Clark Powers       | Absent |

Chairman, Eddie Dean asked if there were any other matters to be discussed that were not included on the Agenda.

Jacqueline Frye, Secretary, informed the Board of the invitation to attend the 15<sup>th</sup> annual GED Graduation at the George Washington Carver – Piedmont Technical Education Center in Culpeper, Virginia on Wednesday, August 26<sup>th</sup> at 7:00 p.m.

With no further action being required by the Board, on motion of James L. Arrington, seconded by William L. Crigler, Chairman, Eddie Dean adjourned the meeting,

Date: August 12, 2009